

ENTERED

November 17, 2021

Nathan Ochsner, Clerk .

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MALEA BYRD,

Plaintiff,

VS.

CITY OF MADISONVILLE, TEXAS, *et al*,

Defendants.

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CIVIL ACTION NO. 4:19-CV-4473

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court in the above referenced proceeding is Defendant's Motion for Summary Judgment (Doc. No. 47); the Response in Opposition (Doc. No. 50, 51); further replies and objections of the parties; and Judge Stacy's Memorandum and Recommendation (Doc. No. 64) that the Court deny the Defendant's Motion for Summary Judgment. Defendants filed objections (Doc. No. 65) and Plaintiff filed a response (Doc. No. 66) to the objections to the Memorandum and Recommendation.

The Court has carefully reviewed, *de novo*, the filings, the applicable law, the Magistrate Judge's Memorandum and Recommendation, and the objections thereto, and agrees with the Magistrate Judge's conclusion that genuine issues of material fact exist on whether Plaintiff was provided notice of an expulsion hearing. Therefore, based on the summary judgment argument on the notice issue, Defendants are not entitled to summary judgment on Plaintiff's § 1983 due process claim. Accordingly, it is hereby

ORDERED that Defendants' Objections (Doc. No. 65) are **OVERRULED**; the Memorandum and Recommendation (Doc. No. 64) is **ADOPTED**; and Defendants' Motion for Summary Judgment (Doc. No. 47) is **DENIED**.

SIGNED at Houston, Texas, this 17th day of November 2021.

A handwritten signature in black ink, appearing to read 'Andrew S. Hanen', written over a horizontal line.

ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE